

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 23, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

ENRIQUE RODRIGUEZ-MERCADO,

Defendant.

No. 2:22-CR-00050-WFN-1

ORDER GRANTING IN PART AND
DENYING IN PART
DEFENDANT'S MOTION
TO MODIFY CONDITIONS
OF RELEASE

**MOTION GRANTED IN PART
AND DENIED IN PART
(ECF No. 45)**

Before the Court is Defendant's Motion to Modify Conditions of Release, **ECF No. 45**. Specifically, Defendant is requesting the Court to modify his conditions of pretrial release. Defendant requests modification of Condition No. 15, removing his curfew to allow him free access to transport his chronically ill wife to and from medical appointments and for emergency care.

The United States opposes the motion. U.S. Probation does not oppose the proposed modification.

The Court finding good cause, **IT IS ORDERED** Defendant's Motion to Modify Conditions of Release, **ECF No. 45**, is **GRANTED IN PART** and **DENIED IN PART** as follows:

The Curfew condition shall be modified, and the electronic monitoring condition shall remain in place. Accordingly, Condition No. 15 at ECF No. 36 shall be amended as follows:

HOME CONFINEMENT/ELECTRONIC/GPS MONITORING

(15) Defendant shall participate in a program of location monitoring and home confinement (the preferred location monitoring program is GPS Monitoring as soon as a GPS Monitoring unit becomes available to United States Probation) as follows:

Location Monitoring: Defendant shall wear, at all times, an electronic device under the supervision of the United States Probation/Pretrial Services Office. In the event Defendant does not respond to location monitoring or cannot be found, the United States Probation/Pretrial Services Office shall forthwith notify the United States Marshals Service, who shall immediately find, arrest and detain Defendant. Defendant shall pay all or part of the cost of the program based upon ability to pay as determined by the United States Probation/Pretrial Services Office;

AND/OR

GPS Monitoring: Defendant shall participate in a program of GPS confinement. Defendant shall wear, at all times, a GPS device under the supervision of U.S. Probation. In the event Defendant does not respond to GPS monitoring or cannot be found, the United States Probation Office shall forthwith notify the United States Marshals' Service, who shall immediately find, arrest and detain Defendant. Defendant shall pay all or part of the cost of the program based upon ability to pay as determined by the U.S. Probation Office.

AND

Curfew: Defendant shall be restricted to his/her residence every day from 7:00 p.m. to 7:00 a.m. except for medical emergencies and/or for any other matters pre-approved by United States Probation. For the purposes of this condition, the term "medical emergencies" includes and does not prohibit Defendant from transporting his wife to her medical appointments and assisting his wife with her medical needs. If Defendant must assist his wife with her medical appointments and/or medical needs and leave his residence between 7:00 p.m. and 7:00 a.m., Defendant shall notify his United States Probation Officer as soon as reasonably practicable either before or after assisting his wife.

1 All other terms and conditions of pretrial release not inconsistent herewith
2 shall remain in full force and effect.

3
4 **IT IS SO ORDERED.**

5 DATED January 23, 2023.




JAMES A. GOEKE
UNITED STATES MAGISTRATE JUDGE